IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No. 21894 of 2001

Between:

Vadagam Venkata Subba Rao, S/o late V.Sreeramulu,
R/o. 2nd line, 12the Cross, Brodipet, Guntur.

..... PETITIONER

AND

Commissioner,

Guntur Municipal Corporation, Guntur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus directing the respondent to send proposals for initiation of land acquisition proceedings in regard to the property situated in T.S.No.658/2, Ward No.5, Door No0.22-4-110 to 113/1 to an extent of
32 sq.yards, Jinnah Tower Centre, Guntur and pay compensation there upon.

Counsel for the Petitioner : MR.VENKATESWARLU POSANI

Counsel for the Respondent : MR.T.S.VENKATARAMANA, SC

The Court made the following :

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ORDER :

The respondent Corporation so as to implement the Master Plan and approved Zonal Development Plan, proposed to widen the road from RTC Bus Stand Jinnah Tower Center to 90 feet from the existing 56 feet. Therefore, purporting to take action under Section 146 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the HMC Act'), the respondent addressed a letter to the petitioner, who is the owner of property bearing Door No.22-4-110 to 113/1 situated at Jinnah Tower House to cooperate with the respondent Corporation and handover possession of 32 square yards. The petitioner was informed that as per G.O.Ms.No.33, M.A.,
dated 3-2-2001, additional F.S.I. of 32 square yards built up area would be allowed to the petitioner. The petitioner handed over
32 square yards of land and sent a letter by Registered Post with Acknowledgement Due requesting the respondent to pay compensation at the rate of Rs.25,000/- per square yard for the land handed over by the petitioner, in vain. Therefore, he filed the present writ petition seeking a direction to the respondent to initiate proceedings under the Land Acquisition Act, 1894 in respect of the property of the petitioner, which was utilized for road widening.

Learned counsel for the petitioner submits that as the petitioner does not want to avail the benefit under G.O.Ms.No.33, dated 3-2-2001 and does not want to construct additional F.S.I., the Corporation has to take action under Section 147 of the HMC Act and initiate land acquisition proceedings. This is not denied by the learned standing counsel. Therefore, a direction shall issue to the respondent to initiate proceedings under the Land Acquisition Act, 1894 and pay the compensation to the petitioner within a period of six months from the date of receipt of a copy of this order. Needless to mention that the petitioner shall not be entitled to construct additional F.S.I. on the property.

The writ petition is accordingly disposed of. No costs.

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(V.V.S. RAO, J.)

14-10-2004.

Msr.

To

1. Commissioner, Guntur Municipal Corporation, Guntur.

2. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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14-10-2004.

(Msr)